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8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10   SAN JOSE DIVISION

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12   METTEYYA BRAHMANA,   )   Case No.: C 09-0106 PVT
)
13   Plaintiff,   )   **ORDER TO SHOW CAUSE WHY**
)   **EXHIBIT "A" VIDEO DEPOSITION OF**
14   v.   )   **PHILLIP LEMBO AS EXHIBIT TO**
)   **PLAINTIFF'S REPLY SHOULD NOT BE**
15   PHILIP CHARLES LEMBO, et al.,   )   **UNSEALED AND FILED IN THE PUBLIC**
)   **RECORD**
16   Defendants.   )
     _____)
17

18   On May 11, 2010, Plaintiff lodged a DVD entitled "Exhibit 'A' 11-20-09 Deposition of

19   Phillip Charles Lembo" along with an administrative motion to file the DVD under seal. The court

20   issued an order that the DVD, subject to later unsealing in the event Defendants fail to make the

21   required showing that such protection is warranted. *See* CIVIL L.R. 79-5(d) ("Within 7 days

22   thereafter, the designating party must file with the Court and serve a declaration establishing that the

23   designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing

24   order, or must withdraw the designation of confidentiality"). Pursuant to Local Rule 79-5(d),

25   Defendants' deadline for filing a declaration justifying the sealing of the DVD was May 18, 2010.

26   On May 18, 2010, Defendants filed an administrative motion to seal a separate copy of the DVD

27   they submitted. Based on the administrative motions to seal,

28   IT IS HEREBY ORDERED that, no later than May 24, 2010, Defendants shall file a

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1 declaration showing cause why both copies of the DVDs should not be filed in the public record

2 *without sealing.* The declaration submitted by Defendants does not even claim the DVD warrants

3 protection, much less make the showing required under Federal Rules of Civil Procedure 26(c). *See*

4 *Beckman Indus., Inc. v. International Ins. Co.,* 966 F.2d 470, 476 (9th Cir. 1992) ("Broad allegations

5 of harm, however, unsubstantiated by specific examples or articulated reasoning, do not satisfy the

6 Rule 26(c) test").

7 Dated: *5/19/10*

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PATRICIA V. TRUMBULL

9 United States Magistrate Judge

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